

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FOXMIND CANADA ENTERPRISES LTD.,

Plaintiff,
v.

ABCTEC, et al.,

Defendants.

CASE NO. Case 1:21-cv-05146-KPF

**DECLARATION OF ZHIYONG XU IN SUPPORT OF
DEFENDANT NEWPEPPR'S REPLY
IN FURTHER SUPPORT OF MOTION TO DISMISS**

I, Zhiyong Xu, declare as follows:

1. I am a representative of Defendant Newpeppr in the above-captioned action.
2. I submit this declaration in support of Newpeppr's Reply in Further Support of Motion to Dismiss Complaint.
3. Newpeppr's sole place of business is in Fujian, the People's Republic of China, which is publicly accessible on Newpeppr's seller profile on Amazon.com. A true and correct copy of Newpeppr's profile is filed as Exhibit A to the declaration I submitted in support of Newpeppr's Motion to Dismiss – [D.E. 83].
4. In or around March of 2021, in order to be eligible to sell children's toys in the U.S. on Amazon, Newpeppr retained a vendor to handle the approval process.
5. Unbeknownst to Newpeppr, the vendor changed Newpeppr's address to a U.S. address during the process.
6. As soon as I discovered the change of addresses by the vendor, I immediately changed it back to Newpeppr's (Chinese) address.

7. As stated in my declaration submitted in support of Newpepr's Motion to Dismiss [D.E. 83], the address of Newpepr has been verified by one of Amazon's Seattle offices as true and genuine since June of 2021.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 6, 2022 in China

A handwritten signature in black ink, reading "Zhiyong Xu". The signature is written in a cursive, flowing style. The first name "Zhiyong" is written in a larger, more prominent script, and the last name "Xu" is written in a slightly smaller, more compact script. The signature is positioned above a horizontal line.

Zhiyong Xu